

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12157, of Louis Zuckerman, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the use provisions Section 4101 to permit sale and installation of fire and burglar alarms and equipment in the SP District at the premises 1239 Vermont Avenue, N.W., (Suite 110) Square 245, Lot 26.

HEARING DATE: June 22, 1976

DECISION DATE: June 22, 1976 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is a residential apartment house located in a SP District.
2. Applicant intends to lease a suite in the rear of said building and use it as a catalogue sales office for the sale of burglar and fire alarms.
3. Applicant intends to have five (5) staff employees and part-time employees.
4. The area space of this commercial suite would consist of three (3) offices in a well each measuring forty-five (45) square feet .
5. Other commercial uses were removed from the subject building some years ago.
6. Applicant states that financial-wise he can afford the rent in the subject building but not in other commercial buildings.
7. The Advisory Neighborhood Commission (ANC 2C-02), the North Dupont Citizens Association and the Dupont Circle Association objected to the granting of this application on the grounds that there was no need for the admission of a commercial operation in property zoned as residential.
8. Applicant has not given evidence that commercially zoned office space is unavailable for his intended use.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the use sought herein is not a use that belongs or is permitted in the SP District. The use as a commercial use and, ordinarily, commercial office spaces are not permitted unless it is proved that said space cannot be used for their zoned use. The Board further concludes that under the regulations the hardship to be proved herein must exist with the property. It is not a personal hardship.

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Applicant has not met the burden of proof in establishing the issue of hardship as stated in the Regulations nor that the subject space cannot be used as a residence.

Accordingly, it is
ORDERED that this application is DENIED.

VOTE: 4-0(Lilla Burt Cummings, Esq., Ruby B. McZier, Esq.,
William F. McIntosh and William S. Harps).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 3-16-77